

Before the  
**COPYRIGHT ROYALTY JUDGES**  
Washington, D.C.

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**In the Matter of** )  
 )  
 ) **Docket No. 14-CRB-0011-SD (2010-13)**  
**Distribution of the 2010-2013** )  
**Satellite Royalty Funds** )

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**ALLOCATION PHASE PARTIES' STIPULATION**  
**REGARDING HEARING PROCEDURES**

In order to facilitate an efficient presentation of evidence before the Copyright Royalty Judges (“Judges”) at the hearing scheduled to begin October 21, 2019, the Allocation Phase Parties (“Parties”) have conferred and stipulated to the following proposal, subject to the Judges’ approval. The Parties respectfully request that the Judges issue the accompanying proposed order adopting these stipulated procedures.

**A. Time Allocation**

The Parties respectfully request that the Judges allocate a total of 84 hours of hearing time for the 2010-13 Satellite Allocation Phase proceeding. This time allotment is necessary to accommodate the Parties’ evidentiary presentations, which is anticipated to include the live testimony of nineteen different witnesses. Based on a total time allotment of 84 hours, the Parties have agreed to the following per-party time allotment for the hearing:

1. Joint Sports Claimants – 24.5 hours
2. Commercial Television Claimants – 17.5 hours
3. Settling Devotional Claimants – 17.5 hours
4. Program Suppliers – 24.5 hours

## **B. Opening Statements**

All Parties will present their opening statements at the outset of the hearing and in accordance with the following order of presentation and time limitations:

1. Joint Sports Claimants – 1 hour
2. Commercial Television Claimants – 45 minutes
3. Settling Devotional Claimants – 45 minutes
4. Program Suppliers – 1 hour

## **C. Live Testimony**

Each witness who appears at the hearing will testify only once, and will address together his or her written direct testimony, written rebuttal testimony, and any response to the written rebuttal testimony of other witnesses. Witnesses shall be presented by the Parties in the following order:

1. Joint Sports Claimants
2. Commercial Television Claimants
3. Settling Devotional Claimants
4. Program Suppliers

The parties shall file a list providing the order of witnesses to be presented by each Party by Thursday, October 17, 2019. Parties shall cooperate in good faith to accommodate witness schedules, including calling witnesses out of order, if necessary.

## **D. Admission Of Written Testimony And Exhibits Of Certain Witnesses Without Live Appearances**

The Parties waive oral direct and cross-examination when submitting the written testimony and accompanying exhibits of the following witness, and the Parties consent to the admission of such witness's written testimony and accompanying exhibits into the record

without the need for the witness's live appearance during the hearing. If the Judges desire to hear live testimony from this witness, the witness will be made available.

- Brad Adgate (Joint Sports Claimants)

#### **E. Sequestration Of Witnesses**

Pursuant to 37 C.F.R. §351.9(f), witnesses, other than party representatives, are not permitted to listen to any testimony in this proceeding and are not allowed to review a transcript of any prior testimony in this proceeding. Witnesses are not permitted to discuss their testimony with counsel or others during breaks in their own examinations.

#### **F. Exchange Of Exhibits**

The Parties shall exchange electronic copies of the written direct testimony (including any attachments thereto) and written rebuttal testimony (including any attachments thereto) filed in this case that they intend to offer as exhibits on Thursday, October 17, 2019. The exhibits shall be numbered as set forth below. The Parties shall exchange exhibit binders containing hard copies of all previously exchanged exhibits before the start of the hearing on October 21, 2019. Consistent with 37 C.F.R. § 351.9(d) and § 351.10(g), exhibits used solely for purposes of impeachment need not be exchanged in advance, but any other exhibits must be exchanged electronically at least 24 hours prior to being offered into evidence, and in hard copy on the day they are offered into evidence.

The SDC have notified the Parties of their intention to file a motion for leave to file a supplemental rebuttal statement attaching two exhibits based on discovery produced after the filing of written rebuttal statements. The Parties agree not to object to the SDC's motion for leave to file a supplemental rebuttal statement on grounds of timeliness if it is filed by October 11, 2019, but otherwise reserve the right to object on other appropriate grounds.

### **G. Filing Of Joint Proposed Hearing Exhibit List And Filing Exhibits In ECRB**

The Parties will jointly file a Joint Proposed Hearing Exhibit List no later than October 16, 2019. All exhibits identified on the Joint Proposed Hearing Exhibit List will be filed in eCRB by October 17, 2019. During the hearing, any new proposed exhibits must be filed in eCRB at least 24 hours prior to being offered. Any objections to an exhibit will be asserted at the time the exhibit is offered into evidence.

### **H. Exhibit Numbers**

Proposed hearing exhibits must be numbered using the following numbering convention, with each party assigned a unique number range to use for proposed exhibits. Participants will confer to ensure that no exhibit is given two numbers. All exhibits will be labelled in the upper right-hand corner with the words “Satellite Allocation Exhibit” and their assigned exhibit number from the ranges below.

Joint Sports Claimants	1000-1999
Commercial Television Claimants	2000-2999
Settling Devotional Claimants	3000-3999
Program Suppliers	4000-4999
Designated Prior Testimony	5000-5999

### **I. Closing Statements**

The Parties will present their closing statements after the submission of Proposed Findings of Fact and Conclusions of Law and any replies to the Proposed Findings of Fact and Conclusions of Law, on a date to be determined by the Judges.

Respectfully submitted,

**PROGRAM SUPPLIERS**

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Dated: October 7, 2019

# Proof of Delivery

I hereby certify that on Monday, October 07, 2019, I provided a true and correct copy of the Allocation Phase Parties' Stipulation Regarding Hearing Procedures to the following:

Major League Soccer, LLC, represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

Motion Picture Association of America (MPAA)-Represented Program Suppliers, represented by Lucy Plovnick, served via Hand Delivery

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

National Public Radio, Inc. (NPR) (submitted comment), represented by Gregory A Lewis, served via Electronic Service at glewis@npr.org

Settling Devotional Claimants, represented by Jeannette M. Carmadella, served via Email

Spanish Language Producers, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Signed: /s/ Lucy H Plovnick